IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 251 of 1992

in

SPECIAL CIVIL APPLICATIONNo 3296 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BARODA MUNICIPAL CORPORATION

Versus

GIRISHCHANDRA J DAVE

Appearance:

1. LETTERS PATENT APPEAL No. 251 of 1992

MR PRANAV G DESAI for Appellant No.

MR RAMNANDAN SINGH for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE D.H.WAGHELA

Date of decision: 23/08/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

In this Letters Patent Appeal, at the instance of the appellant, Baroda Municipal Corporation, invoking clause 15 of the Letters Patent, challenge is against the passing of ad interim relief, by the learned single Judge in Special Civil Application No.3296/91 on 22nd April, 1992, whereby, the appellant herein has been directed to implement the resolution No.287, dated 26th July, 1990, passed by the Standing Committee of the Baroda Municipal Corporation within four weeks from the date of order and that the direction was subject to the result of the petition.

When the matter was taken up today, the learned advocate Mr.Desai drew our attention that the main writ petition along with other petitions has been notified for final hearing. Obviously, when the main matter is to be heard, this LPA against the ad interim relief, at this stage, would not assume any significance or survival value. Therefore, this appeal, at this stage, is required to be dismissed in view of the aforesaid statement. Accordingly, it is dismissed.

(J.N.Bhatt, J.)

(D.H.Waghela, J.)

(vjn)